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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,974	12/10/2003	Akinori Masushige	1118.68793	9034
7590	08/24/2006		EXAMINER	
Patrick C. Burns, Esq. GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Dr. Chicago, IL 60606			SILVER, DAVID	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/731,974	MASUSHIGE ET AL.	
	Examiner David Silver	Art Unit 2128	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 13 April 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-10 and 12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 and 12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/13/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

### **DETAILED ACTION**

1. Claims 1-10, and 12 are pending in Instant Application.

#### ***Priority***

2. Applicants have claimed priority benefits of 2002-358569 filed 12/10/2002 in JAPAN. However, the claim to priority fails to meet the following requirement: 35 USC 119(a)(b)(3), which states:

(3) The Director may require a certified copy of the original foreign application, specification, and drawings upon which it is based, a translation if not in the English language, and such other information as the Director considers necessary. Any such certification shall be made by the foreign intellectual property authority in which the foreign application was filed and show the date of the application and of the filing of the specification and other papers.

#### ***Information Disclosure Statement***

3. The information disclosure statement(s) (IDS) submitted on 4/13/04 is/are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement(s) is/are being considered by the examiner. Only the portions translated into English have been considered.

#### ***Drawings***

4. Figures 1 (computer), 2 (host terminal), 3 (process of host terminal) should be designated by legend --**Prior Art**-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

5. The abstract of the disclosure is objected to because of minor informalities: the word "display" has an extra space which currently reads "displa y". Correction is required. See MPEP § 608.01(b).
6. The disclosure is objected to because of the following informalities: para 74 the word "namo" appears to be a misspelling.

Appropriate correction is required.

***Claim Objections***

7. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 11 has been renumbered 12.

8. Claims 1, 3, 6, 7, 9, and 10 are objected to: it appears that the phrase "in response to the coordinate at which" is referring to "in response to the detecting the coordinate at which". The phrase will be interpreted as the latter version containing "the detecting". A 35 USC 112 rejection has been applied below. Appropriate action is required.
9. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 rejections, claim objections, and 35 USC 101 rejections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Claim Interpretation***

10. The term "attribute" is not expressly defined by the specification, therefore it takes on its ordinary meaning in the art. Paragraph 63 of the published version of the Instant Applications recites "The attribute information represents the attribute such as a protecting field, a non-protecting field, a ruled line, a color, an alphabetic character field, a kana field, a Chinese character field, an initial position of a cursor, etc." This does not set the metes and bounds of the term "attribute".
  - 10.1 IEEE's "The Authoritative Dictionary of IEEE Standards Terms 7<sup>th</sup> Edition" discloses "attribute" as, and therefore will be interpreted as:

"(2) (computer graphics) A characteristic of an item; for example, the item's color, size, or type. Note: in computer graphics, an attribute may be represented by the text or numerical data associated with the item."

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-10, 12 are rejected under 35 U.S.C. 101 because the statutory class of claims 1-10, 12.

Specifically, the claims recites that a terminal emulator, which appears to be an apparatus. The limitations of the apparatus are steps. Therefore, it is unclear whether the intended statutory class is an apparatus or a process.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 3, 6, 7, 9, and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the **enablement requirement**. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 1, limitation 3 recites "in response to the coordinate at which". "The coordinate" is not a step. This claim appears to imply that the coordinate is an event however this not supported by the claim in order to allow one of ordinary skill in the art to make and use the invention without undue experimentation. Claims 3, 6, 7, 9, and 10 recite a similar deficiency.

13. Claims 1-10, 12 are rejected under 35 U.S.C. 112, second paragraph, as being **indefinite** for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

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As per claims 1, 3, 5, 9, 10, and 12 the preamble recites "a host terminal emulator that operates a client computer, which is connected to a monitor for displaying. There is an ambiguity whether the monitor is connected to the host terminal emulator or the client computer. This ambiguity renders the claims indefinite.

As per claims 1, 3, 5, 9, 10, and 12 the preamble recites "various kinds of screens". This phrase fails to set the metes and bounds of the claim, thus rendering it indefinite.

Claims 1, 3, 5, 6, 7-10, and 12 recite the limitation "host computer". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the line". There is insufficient antecedent basis for this limitation in the claim.

14. Claims 1, 3, 5, 9-10 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: establishing CUI screen data.

15. The above cited rejections are merely exemplary.

16. The Applicant(s) are respectfully requested to correct all similar errors.

17. Claims not specifically mentioned are rejected by virtue of their dependency.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Brooks (**US 5,831,607**).

Brooks discloses: 1. A host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of:

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detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer  
**(col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61);**

generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the detected coordinate **(col: 2 line: 45-48);**

correcting said GUI screen data in response to the coordinate at which said first attribute is set  
**(Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 "Change"), and bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43); and**

displaying a screen based on the corrected GUI screen data on said monitor **(Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which futher expand on their features).**

Brooks discloses: 3. A host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer  
**(col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61);**

generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the coordinate at which said first attribute is set **(col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61);**

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data in response to the coordinate at which said second attribute is set when a coordinate at which said second attribute is detected **(Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43); and**

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displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brooks discloses: 5. A host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the detected coordinate (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

correcting the GUI screen data to transform said GUI parts when a coordinate at which said second attribute is not detected (**Fig 4A-4C and text which further expands on the features (emphasis on no attribute fields which do not have underline/bold/etc, col: 5 line: 37-43)**);  
and

displaying a screen based on the corrected GUT screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brooks discloses: 6. A host terminal emulating method running on a client computer that transmits/receives data to/from a host computer, said method comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when CUI screen data is received from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the detected coordinate (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3**

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**line: 59-61, Fig. 4A-4C and their texts which further expand on their features);**

correcting said GUI screen data in response to the coordinate at which said first attribute is set

**(Fig 4A-4C and text which further expands on the features (emphasis on attributes such as**

**Underline (420 Change), and Bold/reverse color row in the listed table of**

**Subsystem/Jobs/..., col: 5 line: 37-43); and**

displaying a screen based on the corrected GUI screen data on a monitor (**Fig 1B item 107 /**

**149, 4A-4C, Fig 1A, and texts which further expand on their features).**

Brooks discloses: 7. A host terminal emulating method running on a client computer that

transmits/receives data to/from a host computer, said method comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI

screen data when CUI screen data is received from said host computer (**col: 2 line: 21-24, col: 2 line:**

**31-38, col: 3 line: 59-61);**

generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the coordinate at which said first attribute is set (**col: 2 line: 21-24,**

**col: 2 line: 31-38, col: 3 line: 59-61);**

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data in response to the coordinate at which said second attribute is set when a coordinate at which said second attribute is detected (**Fig 4A-**

**4C and text which further expands on the features (emphasis on attributes such as**

**Underline (420 Change), and Bold/reverse color row in the listed table of**

**Subsystem/Jobs/..., col: 5 line: 37-43); and**

displaying a screen based on the corrected GUI screen data on a monitor (**Fig 1B item 107 /**

**149, 4A-4C, Fig 1A, and texts which further expand on their features).**

Brooks discloses: 8. A host terminal emulating method running on a client computer that

transmits/receives data to/from a host computer, said method comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI

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screen data when CUI screen data is received from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the coordinate at which said first attribute is set (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**);

detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data to transform said GUI parts when a coordinate at which said second attribute is not detected (**Fig 4A-4C and text which further expands on the features (emphasis on fields with no attributes i.e. no bold/underline/etc, col: 5 line: 37-43)**; and

displaying a screen based on the corrected GUI screen data on a monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

9. A computer-readable medium that contains a host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of:

detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer;

generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the detected coordinate;

correcting said GUI screen data in response to the coordinate at which said first attribute is set; and displaying a screen based on the corrected GUI screen data on said monitor.

As per claim 10, note the rejection of claim 3 above. The Instant Claim is functionally equivalent to the above-rejected claim and therefore rejected under same prior-art teachings.

As per claim 12, note the rejection of claim 5 above. The Instant Claim is functionally equivalent to the above-rejected claim and therefore rejected under same prior-art teachings.

***Allowable Subject Matter***

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19. The following is a statement of reasons for the indication of allowable subject matter:

19.1 As per claim 2, the most relevant prior art of record is Brooks (**US 5,831,607**), which discloses:

1. A host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of: detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**); generating GUI screen data in which GUI parts corresponding to said first attribute are set at respective coordinates following the detected coordinate (**col: 2 line: 45-48**); correcting said GUI screen data in response to the coordinate at which said first attribute is set (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43)**; and displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brookes however does not expressly disclose or suggest that the GUI screen data is corrected to delete said GUI parts when the coordinate at which said first attribute is set represents the upper left corner of the screen. Wherein the correction is made in response to the coordinate at which said first attribute is set.

19.2 As per claim 4, the most relevant prior-art of record is Brooks (**US 5,831,607**), which discloses:

A host terminal emulator that operates a client computer, which is connected to a monitor for displaying various kinds of screens and to a communication control unit for transmitting/receiving data to/from a host computer, said emulator comprising steps of: detecting a coordinate at which a predetermined first attribute is set from coordinates in CUI screen data when said communication control unit receives CUI screen data from said host computer (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**); generating GUI screen data in which GUI parts corresponding to said first

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attribute are set at respective coordinates following the coordinate at which said first attribute is set (**col: 2 line: 21-24, col: 2 line: 31-38, col: 3 line: 59-61**); detecting a coordinate at which a second attribute corresponding to said first attribute is set from coordinates in said CUI screen data; correcting the GUI screen data in response to the coordinate at which said second attribute is set when a coordinate at which said second attribute is detected (**Fig 4A-4C and text which further expands on the features (emphasis on attributes such as Underline (420 Change), and Bold/reverse color row in the listed table of Subsystem/Jobs/..., col: 5 line: 37-43**); and displaying a screen based on the corrected GUI screen data on said monitor (**Fig 1B item 107 / 149, 4A-4C, Fig 1A, and texts which further expand on their features**).

Brookes however does not expressly disclose or suggest that the said GUI screen data is corrected to transform said GUI parts when a coordinate at which said second attribute is detected and the line including the coordinate at which said second attribute is set is separated three or more lines from the line including the coordinate at which the first attribute is set. Wherein the correction is made in response to the coordinate at which said first attribute is set.

20. Claims 2 and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 rejections, claim objections, and 35 USC 101 rejections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

21. All claims are rejected.
22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure but was not applied because it would be cumulative to the applied art rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm.

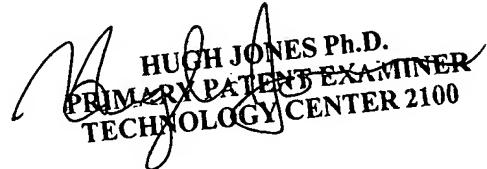
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this

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application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Silver  
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Art Unit 2128

  
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